

The right of Belgian student soldiers

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LA VIE MILITAIRE

Pour les étudiants en droit et en philosophie

Le ministère des Sciences et des Arts veut bien nous prévenir qu'il y aura une session du jury central en avril-mars — si le nombre des intéressés le justifie — et en tout cas en juillet-août, pour les examens de philosophie et lettres et de droit.

Les étudiants trouveront ci-joint le programme de ces examens ainsi que deux listes de livres qui ont été déposés, par les soins du département, dans les bibliothèques divisionnaires et dans celles des trois centres d'instruction de l'arrière (Averbours, Eu, Criek), du « Belgische Standard » (La Panne), du « S. U. C. W. » (Collège de Furnes) et du « British Gifts » (La Panne-Isenbergh).

Dès que les instructions sur le fonctionnement du jury central auront paru, nous les communiquerons à nos lecteurs.

Le jury d'homologation est chargé non seulement d'homologuer les certificats d'humanités (anciennes et modernes), mais aussi de procéder aux épreuves préparatoires donnant accès aux universités, pour les jeunes gens qui se destinent aux grades légaux de l'enseignement supérieur. Enfin le Conseil des ministres a décidé que les jeunes gens, en règle avec les lois et arrêtés-lois d'ordre militaire, pourront obtenir, plus tard, la reconnaissance des semestres.

toire politique moderne; 4^e L'histoire politique interne de la Belgique; 5^e Des notions sur l'histoire contemporaine; 6^e La philosophie morale.

Exercices. — L'examen sur les exercices prévus par l'article 13, 11, litt. A et B, de la loi du 10 avril 1890, pour les récipiendaires qui aspirent au grade de candidat en philosophie et lettres, préparatoire au doctorat, comporte, pour chaque groupe, dans chacune des deux épreuves de l'examen à subir devant les jurys constitués par le gouvernement, une épreuve écrite et une épreuve orale.

L'épreuve écrite comprend : A. Pour la philosophie, un travail sur des questions de philosophie; B. Pour les exercices sur l'histoire et sur la géographie, un travail d'histoire et un travail de géographie; C. Pour les exercices philologiques sur la langue grecque et sur la langue latine : 1^e Un thème grec et une version grecque; 2^e Un thème latin et une version latine; D. Pour les exercices philologiques sur les langues latine et romane : 1^e Un thème latin et une version latine; 2^e Une composition française; E. Pour les exercices philologiques sur le flamand, l'anglais et l'allemand (section préparatoire à la philologie germanique); une composition et un thème dans chacune des trois langues germaniques.

L'examen oral portera, dans chacun des cinq groupes, sur des questions ou des textes que le récipiendaire déclarera avoir spécialement étudiés. (Arrêté ministériel du 9 juillet 1891, Art. 1^{er}.)

The German invasion, in August 1914, pushed part of the student population into the army. They were forced to interrupt their higher education. The necessities of war prevented the resumption of structured scholarly activity in the first months after the German invasion. It was only a year later, in September 1915, that there was a desire among the army and conscripts for a resumption of studies. This desire was expressed by the army medical auxiliaries, who had not had the opportunity to take their last medical doctorate finals and who wanted to see an examination panel organized so that they could complete their education and obtain their degree. The War Department vetoed it: the organization of an examination panel for students of the 3rd doctorate in medicine was incompatible with the necessities of the military situation. But the prospect of a resumption of university activity, at least the prospect of allowing students

who had been called up to complete their training, was raised. There was another area of concern in higher education. The German occupier, applying a *Flamenpolitik* in favor of Flemish claims, took the initiative to open a university in Ghent where all courses were given in Dutch. The *Vlaamse Hogeschool*, also known as *Von Bissing University*, opened in October 1916.

The importance of the question of higher education was reflected, in Le Havre, at the level of Belgian institutions “in exile”, by the creation within the Ministry of Arts and Sciences of a Department of Higher Education. The war situation did not prevent the Belgian government, in this area as in others, from preparing for the post-war period. Although no education was given, the university administration remained in operation and was thus called upon to consider the measures to be taken after the war in favor of students called up for military service who had interrupted their studies.

But what could be done in wartime, when all focus had to be on the military effort? It was not until November 1917 that the situation changed manifestly. The organization of a first session of the central jury — an examination jury established outside universities — was the subject of an agreement with the approval of the Ministry of War. An examination session was scheduled for the spring of 1918. This exam session was organized not only for medical students, but for all those who had been forced to interrupt their university education. A royal decree dated January 25, 1918 laid down special provisions, derogating from the organic provisions of the examination boards, who were to make it possible to attest to the success of previous tests by facilitating the presentation of evidence, and provide for payment exemptions, reductions or delays for enrollment. The order of January 25, 1918 entrusted the minister of Arts and Sciences with the task of specifying the arrangements for the organization of examinations.

The organization of an exam session was not an obvious one. But the most difficult thing was to ensure that students had access to the material conditions necessary to study properly, and very concretely to give them access to the books they need. Students who wished to take exams did not have the opportunity to take courses on the tested subjects. And even if they had the opportunity to follow them before the war, they did not have class notes.

In a memorandum of March 15, 1918, Minister of Arts and Science Prosper Poulet recalled all the measures that were put in place to promote the study of students. “Mon

département ne négligera aucun effort pour vous aider dans la préparation de vos examens [My department will make every effort to assist you in the preparation of your exams]", said the minister in his memorandum. The effort that the minister intended to make also included a response to Flemish demands. Faced with the creation, at the initiative of the German occupant, of the *Vlaamse Hogeschool*, where all the teaching was organized in Dutch — in *Flemish*, according to the name then in use — the minister indicated that those recipients who wished to "être interrogés en *flamand* sur l'une ou l'autre branche (...) [be tested in Flemish on one or the other branch (...)]" may be "dans la mesure où le permettent les circonstances actuelles [as far as the current circumstances permit it]". Student soldiers were also granted, in a concrete form, all the scholarly "tools" they would need. On this occasion, Minister Poulet reminded students who wanted to take their exams of all that was in place to encourage them; not only the libraries organized for the armed forces by his memorandum of November 1917, but also the central library of the Collège de Furnes, whose collections contained source texts especially dear to the central jury. The minister accompanied his memorandum with an appeal to the students, for those who had handwritten notes to make them available to the ministry. It would then get them "autographed" and a number of copies would be deposited in libraries. The department did not only indicate the places where students would be able to consult — even borrow — books, and soon "autographed" lessons. It intended to provide them with guidance on how to prepare their exams, in particular on the use of the treaties and manuals that had been made available to them. It also provided, in the appendix, the names and contact details of the professors with whom they could correspond, those who resided outside of occupied Belgium.

In the same month of March 1918, a group of students living in Le Havre, from the country's four universities, launched a journal aimed at students preparing for the exams. Its title is simple and clearly designates its target readership: *L'Universitaire*. The initiative provided an opportunity to initiate a closer relationship with students and to interface with the Department of Arts and Science as well as with professors. The monthly journal relayed the ministry's call. It asked which courses were desired, and invited professors and students to communicate the names of the lessons they had in their possession. Starting in its second issue, *L'Universitaire* opened a faculty section and presented, for law students, the books that were to be used for the study of civil law and commercial law. Concerning commercial law, *L'Universitaire* presented a textbook signed by Professors Corbiau and Nyssens of the University of Leuven (Nyssens and

Corbiau, *Traité des sociétés commerciales*, Société belge de Librairie, 1900), a work that has “le grand avantage d’être précis, clair et très complet [the great advantage of being precise, clear and very complete]”. It was expected to be followed by an annex of a few pages, which would form its update. The article continues with recommendations from Professor Corbiau himself. Jean Corbiau was Nyssens’s successor in the chair of Commercial Law. He was also one of those professors who were refugees in Le Havre, and who were employed in the ministries of the exiled Belgian government. He was then attached to the Ministry of National Reconstruction. Then came civil law, for which the Baudry-Lacantinerie Treatise was recommended, a book which, according to Corbiau, was “simple et clair [simple and clear]” and “uffisant sinon quelques points relatifs au droit civil belge [sufficient but for minor points relating to Belgian civil law]”. The article dedicated to law students concludes with a list of books that have been deposited in libraries accessible to armed forces and intended for students about to take their law exams. The following issue, in May, presented the advice of Alfred Lemaire, professor at the Liège Faculty of Law, in charge of courses in civil law (in part) and commercial law. Lemaire too was a refugee, but on Dutch soil. He had settled in Nieuwstadt, a village in Dutch Limburg. Clearly, the communications were effective enough to allow exchanges with those who were far from Le Havre. Lemaire gives his advice, his reading guidelines but also his method of study: to meet, at a maximum of three, to question each other, and in turn to play the role of the teacher and the student, to answer questions and objections, to favor discussion and to seek cases of application.

Everything was set in place step by step. The business of reproducing course notes grew in the weeks and months that followed. The appeal to students and professors had borne fruit. Soon, in May 1918, one could find Jean Corbiau’s commercial law course, but also the privileges and mortgages course, the private international law course, the criminal law and elements of criminal procedure, the tax law course, the civil estate law course.

A first examination session was therefore organized in Le Havre, between June 10 and 15, 1918. The chair of the jury for the doctorate in law was entrusted to Léon Théodor. He was then mentioned only as a “representative” — he had been a member of the Chamber of Representatives since the elections of May 1910 — and had been noted during the first years of the war for his resistance to the occupier, in his position as

President of the Brussels Bar. His commitment led to him being deported to Germany, before being released through international diplomacy. The chairmanship of the jury was therefore entrusted to a well-known, prestigious, non-tenured personality. This was not the case for the members of the jury, all from the law schools of any of country's four universities, the State universities — Liège and Ghent — as well as the free universities — Leuven and Brussels. There sat two Liège professors, Charles Dejace and Jean Willems, and two Leuven professors, Jean Corbiau and Léon Dupriez. There was a professor from Ghent, Charles De Visscher, and a professor from the University of Brussels, Maurice Bourquin. Except for Joseph Willems, who lived in Paris, they had all settled in Le Havre. Some of them were employed in exiled ministries. Like Corbiau, Léon Dupriez was working with the Ministry of National Reconstruction. As for Charles Dejace and Charles De Visscher, they worked in the immediate entourage of Prosper Poulet. One and then the other would be at the head of the Department of Higher Education within the Ministry of Arts and Science.

In his June edition, one of *L'Universitaire*'s contributors reported: "ces débuts furent on ne peut plus encourageants : tous les récipiendaires réussirent leurs examens et plusieurs de nos distingués professeurs, membres du jury, nous ont affirmé qu'ils sont satisfaits, au-delà de leurs espérances [These beginnings were most encouraging: all the recipients passed their exams and several of our distinguished professors, members of the jury, told us that they are satisfied beyond expectations]". There were ten recipients for the third round of the law doctorate — the final year of the law degree. They came from Brussels, Antwerp, Ghent and other cities. Among them, in the foreground, Jacques Renkin, son of the minister of Colonies, who obtained the title of doctor of law with honors. They were proclaimed by the chairman of the jury, who congratulated them, stressing "leur courage avec lequel en d'aussi pénibles circonstances, ils ont eu à cœur de préparer leurs examens [the courage with which, under such difficult circumstances, they had taken it upon themselves to prepare their examinations]".

A ministerial memorandum, dated July 30, 1918, announced a new session of examinations. It was scheduled to begin on September 20 and end on October 15. The list of reprinted courses was growing. The Belgian Constitution, the Penal Code — articles 1 to 100, and several pieces of legislation were attached. The library of the Collège de Furnes completed its collections. It then held "5,000 study books", most of

them French works. Foignet's manuals occupied the first place. There were also works by Viollet, Leroy-Beaulieu, Baudry, Garraud, Lyon-Caen, Audinet, or Bonfils, or even Planiol. And, still, some Belgian authors: Errera, Collard, Cornil. And, following on from Minister Poulet's memorandum, which intended to allow examinations in Dutch "as far as circumstances permit", a book in Dutch by Jeroom Noterdaeme: *Belgische Grondwet [The Belgian Constitution]*, published in 1913. Law students could also find a copy of the Civil Code in the Dalloz collection.

A final session of the central jury was planned. It was to be held in November or December 1918. It did not take place. The war came to an end. The four Belgian universities, which had been closed for more than four years, decided to reopen on the same day, January 21, 1919. At the request of the Department of Higher Education, they proposed the implementation of a series of measures to enable students who had been in the military — as well as students who had been prisoners — to start or resume their studies under favorable conditions, to "regagner leurs années perdues [regain their lost years]". These measures were sanctioned in the Act of February 14, 1919. Firstly, it provided for the suspension of the minimum duration of university studies. It also provided for the possibility for universities to organize several examination sessions and left it to them to distribute the subjects of the legal program as they saw fit. It was noted that new entrants could thus gain one to two years of ground over the normal duration of university studies. This was not only a favor. As Rector of the Free University of Brussels Léon Leclère observed a few months later, "il y avait un intérêt national à pourvoir dans le plus bref délai possible aux vides que la mort, l'âge et la fermeture prolongée des universités avaient produit dans les rangs des professeurs de l'enseignement secondaire, des ingénieurs, des médecins surtout [there was a national interest in filling, in the shortest possible amount of time, the voids that death, age and the prolonged closure of universities had produced in the ranks of secondary school teachers, engineers, doctors especially]". What of lawyers? Perhaps they seemed less *immediately* indispensable to the reconstruction of the State...

**Jérôme de Brouwer, Legal History and Law Anthropology Center (Free University
of
Brussels)**

Sources

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